

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MOHAWK RESOURCES, LTD.,

Plaintiff,

v.

6:06-CV-650

PKS EQUIPMENT & ENGINEERING, INC.;
and EXPORT DEVELOPMENT CANADA,

Defendants.

APPEARANCES:

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DAVID N. HURD
United States District Judge

OF COUNSEL:

JOSEPH D. STINSON, ESQ.
NEIL L. LEVINE, ESQ.

CARTER H. STRICKLAND, ESQ.

EDWARD J. SHEATS, ESQ.

ORDER

Defendant Export Development Canada ("EDC") moves for reconsideration of the memorandum-decision and order dated December 20, 2006, and for re-argument of the

issues related thereto. Plaintiff opposes.

“The major grounds for justifying reconsideration are an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent a manifest injustice.” Virgin Atlantic Airways, Ltd. v. Nat’l Mediation Bd., 956 F.2d 1245, 1255 (2d Cir.1992) (internal quotation marks omitted).

In this case, EDC has simply failed to meet its burden in showing that reconsideration or re-argument is justified. As stated in the memorandum-decision and order at issue:

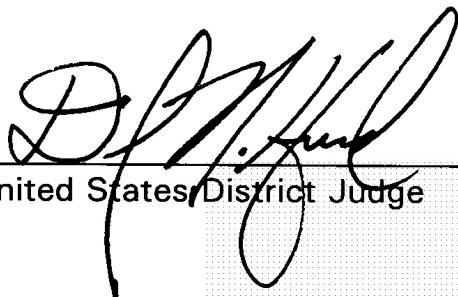
Pursuant to a request, defendants have submitted a stipulation demonstrating that the receivables assigned to EDC are separate from the receivables sought by PKS in its counterclaim. However, the validity of all the receivables are based upon common issues of law and fact. Judicial economy requires that the issues be resolved in one rather than multiple actions.

Mohawk Res., Ltd. v. PKS Equip. & Eng’g, Inc., 6:06-CV-650 (N.D.N.Y. Dec. 20, 2006) (memorandum-decision and order).

Therefore, it is hereby ordered that defendant EDC’s motion for reconsideration and re-argument is DENIED.

IT IS SO ORDERED.

Dated: April 6, 2007
Utica, New York


United States District Judge